United Nations E/2016/NGO/37

Economic and Social Council

Distr.: General
24 May 2016

Original: English

2016 session
24 July 2015-27 July 2016
Agenda item 5
High-level segment

Statement submitted by International Presentation Association, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 30 and 31 of Economic and Social Council resolution 1996/31.

* The present statement is being issued without formal editing.

16-08481 (E) 270516

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Statement

International Presentation Association welcomes the theme of the High Level Political Forum "Ensuring that no one is left behind."

To realize SDG Goal 16 that seeks to promote peaceful and inclusive societies, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, non-discriminatory laws and policies are a must.

International Presentation Association is concerned about overrepresentation of Indigenous youth in the justice system that limits the realization of goal 16. An International Expert Group Meeting in 2010, on Indigenous Children and Youth in Detention, Custody, Foster-Care and Adoption, revealed discriminatory practices that serve Indigenous youth longer sentences for the same offences and hold them in detention facilities far away from their family and communities severing their cultural and family ties. A Statistics Canada report found that First Nations, Inuit and Métis women made up 43 percent of all incarcerated women, Indigenous girls accounting for 49 percent of young women placed in custody, and boys 36 percent.

While the reasons for this over-representation of Indigenous youth are varied and complex, in most cases the legal systems perpetuate the social inequality through specific legal and judicial practices. In Western Australia, for example, mandatory sentencing laws prevent the Children's Court from ensuring that detention is a measure of last resort. Here 10-17 year olds who form 6.4 percent of the population, make an average of 78 percent of the youth detention population. This violates the principle of proportionality and is contrary to the Convention on the Rights of the Child. Furthermore, the age of criminal responsibility is 10 years old, against 12 years by the Committee on the Rights of the Child.

It is essential to reconsider this hard line approach to justice and explore alternatives. It is important to acknowledge the traditions and cultural values of each people for the protection and harmonious development of the child. To achieve this, State agencies and organizations need to understand the unique challenges of dealing with Indigenous youth, recognize historical social or economic inequalities, and include the concerns and voices of Indigenous youth when developing programs. Laws that limit judicial discretion and contravene Article 12 of the Convention on the Rights of the Child, must be changed.

Recommendations:

- Implementation of Social Protection floors to ensure quality education and health for indigenous youth and children.
- Training of community based social workers and caseworkers with insight and understanding to work with Indigenous people in the justice system.
- Develop quantitative and qualitative data regarding Indigenous youth in juvenile detention.
- Develop youth programs with their participation.
- Focus on prevention before detention.
- Build community-centered rehabilitation programs.

- Develop alternatives to prison, such as outback training camps, to build cultural appreciation and self-confidence in young offenders.
- In ensuring that 'no one is left behind', national governments must address this stain on our legal system to stop Indigenous youth from getting caught in the revolving door of the juvenile detention system.